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Co-Lead/Liaison Counsel for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE: Bard IVC Filters Products
Liability Litigation

No. 2:15-MD-02641-DGC

CAROL KRUSE, an individual,

Plaintiff,

v.

C.R. BARD, INC., a New Jersey
corporation and BARD PERIPHERAL
VASCULAR, an Arizona corporation,

Defendants.

**NOTICE OF PLAINTIFF'S REQUEST
FOR THE COURT TO RULE ON THE
MOTION FOR SUMMARY JUDGMENT
ON PUNITIVE DAMAGES**

(Assigned to the Honorable David G.
Campbell)

Plaintiff hereby provides notice of her request for the Court to rule on Defendants' Motion for Summary Judgment on the issue of punitive damages.

The *Kruse* matter was recently inserted as the third bellwether trial replacing *Mulkey*. The Court had not ruled on the Motion for Summary Judgment in *Kruse* by the time the parties were required to submit changes to the Juror Questionnaire, which was also used in the *Jones* case. At Defendants' request, Plaintiff agreed to delete "punishment" and related language from the Factual Statement in the Juror Questionnaire due to the pending Summary Judgment Motion on Plaintiff's punitive damage claim. Historically, the Court has declined any additional written questions on the issue of

1 punitive damages. Plaintiff's agreement to delete the words from the Factual Statement
2 was not intended to waive her position on punitive damages or otherwise withdraw the
3 claim. Rather, it was to ensure timely compliance with the Juror Questionnaire mailing
4 deadline and to avoid any delay necessitated by later deleting or adding language to the
5 Questionnaire; Plaintiff agreed to the minor edit.

6 Plaintiff believes under Nebraska law there is a triable issue on punitive damages
7 for consideration by the jury. If the court finds in favor of Plaintiff on the issue of punitive
8 damages, Plaintiff requests the Court to notify the panel/venire on the first day of trial
9 prior to the jury selection process.

10 RESPECTFULLY SUBMITTED this 9th day of July, 2018.

11 GALLAGHER & KENNEDY, P.A.

12
13 By: /s/ Mark S. O'Connor
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19 *Attorneys for Plaintiff Carol Kruse*

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of July, 2018, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Jessica Gallentine